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Korea No. 1 (1950)

Summary of Events relating to Korea 1950

[With Appendix and Annexes]

*Presented by the Secretary of State for Foreign Affairs to Parliament
by Command of His Majesty
October, 1950*

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KOREA

PART I.—SUMMARY OF EVENTS RELATING TO KOREA UP TO THE OUTBREAK OF HOSTILITIES ON 25TH JUNE, 1950

Introduction : pre-1945 Status of Korea

From 1910 to 1945 Korea formed part of the Japanese Empire and her political and economic life was controlled from Japan. Her fate first became a matter of concern to the Allied Powers in the 1939-45 war, when it became necessary to consider how the Japanese Empire should be dealt with after its defeat.

Allied Agreements (1943-45) and the first session of the Joint Commission (March-May 1946)

Cairo Declaration, December 1943, and Potsdam Declaration, July 1945

2. The first statement of Allied policy was made by the Governments of the United Kingdom, the United States and China after the Cairo Conference of December 1943 (Annex A), when the three Powers, "mindful of the enslavement of the people of Korea," declared themselves "determined that in due course Korea shall become free and independent." This declaration was confirmed by the Governments of the United Kingdom, the United States and China in the Potsdam declaration of 26th July, 1945 (Annex B), and, since the Soviet Government had already signified its willingness to take part in the war against Japan, it was also agreed that for the purposes of accepting the surrender of the Japanese armies in Korea the dividing line between the United States and Soviet zones of responsibility should be the 38th parallel, which lies almost exactly half-way between the northern border and the southern tip of Korea. When the Government of the Soviet Union declared war on Japan on 8th August, 1945, it announced that it had "associated itself with the Allied declaration of 26th July."

Moscow Agreement, December 1945

3. A more detailed agreement on the future of Korea was reached by the Council of Foreign Ministers of the United Kingdom, the United States and the Soviet Union at Moscow in December 1945 (Annex C). By the terms of the Agreement, a Joint United States and Soviet Commission was to be set up to work in consultation with "Korean democratic parties and social organisations" for the establishment of a Provisional Korean Government. This Commission met in Seoul on 20th March, 1946, but adjourned on 8th May without reaching agreement on the procedural question of which Korean parties and social organisations were to be consulted. At the time of the Moscow Conference, virtually all Korean political parties, and in particular the Korean Communist Party, expressed strong opposition to the suggestion that Korea

Note on sources of information for events in North and South Korea.

Events relating to South Korea have been observed not only by the United Nations Commissions but by diplomatic representatives, press correspondents, missionaries and merchants of a number of countries. Events relating to North Korea have been reported only through North Korean broadcasts, through the propaganda of Communist countries or through very few press correspondents of other countries known to be either Communists or sympathetic towards Communism. It is therefore difficult to ascertain with certainty what has taken place in the northern half of the country. A great deal of information very damaging to North Korea and to those who sponsor the People's Republic has been given by the very large number of refugees who have fled from the north to the south. It has, however, not been possible from unbiased sources to confirm or disprove these allegations.

should undergo a period of trusteeship. On 3rd January, 1946, the Communist Party reversed its policy and gave its support to the "Moscow decision." In the meetings of the Joint Commission the Soviet member took advantage of this reversal, insisting throughout that only those parties which supported the Moscow decision were entitled to consultation; the United States representative objected that this would restrict consultation virtually to the Communist Party, excluding other parties and organisations representing the great majority of Koreans.

The Administration of North and South Korea (1945 to December 1946)

North Korea

4. Japan surrendered on 15th August, 1945, and on 19th September a United States military Government was established in the South. In the North the Soviet authorities set up an administration based on "People's Committees," with a central government organ "the Provisional People's Committee for North Korea." An elective form of government was not instituted until November 1946, when elections for the "People's Committee" were held. Only one list of candidates, all members of the United National Democratic Front, was presented and Soviet reports claimed that it obtained 97 per cent. of the votes cast. In February a convention of 237 representatives from the "People's Committees" was summoned and met under the chairmanship of Kim Il Sung. The convention approved legislation enacted by the "Provisional People's Committee" and was subsequently reconstituted as the National Assembly of Korea.

South Korea

5. In the South, elections were held in November for an Interim Legislative Assembly. 45 members, or half the Assembly, were chosen by a system of indirect election and the remaining members were appointed by the United States authorities. In the event, the parties of the Right won nearly all the seats and, in order to give the Assembly as representative a character as possible, many of the appointed members were chosen from the moderate and non-Communist Left-wing parties.

The Revival of the United States-Soviet Joint Commission (May to September 1947)

Marshall-Molotov Correspondence, April-May 1947

6. In April 1947, the United States Secretary of State, Mr. Marshall, wrote to the Soviet Foreign Minister, M. Molotov, proposing that the Joint Commission, which had been moribund since May 1946, should resume work. Agreement was eventually reached and the Commission was reconvened at Seoul on 21st May, but disagreement between the United States and Soviet Representatives, notably on the question of which Korean parties should be consulted, soon brought the work of the Commission to a standstill. A further exchange of correspondence between the United States and Soviet Governments failed to find common ground for agreement. The United States Government therefore proposed, in a letter from the Acting Secretary of State, Mr. Lovett, to M. Molotov of 26th August, the holding of elections in North and South Korea for a provisional national legislature, and a conference in Korea of the United States, the United Kingdom, China and the Soviet Union with the Korean Government thus appointed. The Soviet Government did not accept this proposal. (Mr. Lovett's letter and M. Molotov's reply are given at Annexes D and E.) On 17th September the United States Government therefore brought the problem of Korean independence before the United

Nations, the Secretary of State announcing before the Assembly that "it appears evident that further attempts to solve the Korean problem by means of bilateral negotiations will only serve to delay the establishment of an independent, united Korea. It is therefore the intention of the United States Government to present the problem of Korean independence to this session of the General Assembly."

The Korean Question before the United Nations (October to November 1947)

United States and Soviet Proposals, October 1947

7. When the question of Korea came up for discussion at the United Nations Assembly in October, proposals were submitted by the United States and Soviet Governments. The former proposed on 17th October that elections should be held in North and South Korea by 31st March, 1948, under the supervision of a United Nations Temporary Commission, with a view to the establishment of a National Government of Korea. The Soviet Government put forward counter-proposals on 28th October, denying that the Korean question lay within the jurisdiction of the United Nations and calling for mutual withdrawal of occupying troops and the establishment of a National Government.

8. The United States proposals were adopted by the United Nations on 14th November (Annex F) and a temporary commission consisting of representatives of Australia, Canada, China, El Salvador, France, India, the Philippines, Syria and the Ukraine, was constituted.

The United Nations Temporary Commission (January to December 1948) and the Elections in South Korea (May 1948)

Resolution of the United Nations Interim Committee, 26th February, 1948, and Report of the U.N. Temporary Commission, May 1948

9. Although the Government of the Ukraine declined to send a representative, the Commission held its first meeting on 12th January in Seoul. It soon became clear that it would not be allowed to operate north of the 38th parallel, for the Soviet Government declined to admit the validity of the decisions taken by the United Nations, and instructed the officer commanding in North Korea to refuse to receive a visit from the Chairman of the Commission. (M. Gromyko's letter of 23rd January at Annex G). The Interim Committee of the United Nations, in a resolution passed on 26th February, therefore advised the Commission "to proceed with the observance of elections in all Korea and, if that is impossible, in as much of Korea as is accessible to it," and elections were held on 10th May for the area south of the 38th parallel. The Commission, which supervised the elections at every stage, reported that 75 per cent. of the electorate voted, the majority of the 200 seats in the National Assembly being won by Independents (85) and the National Association for the Rapid Realisation of Korean Independence (55). The Commission's report stated that "the results of the ballot of 10th May, 1948, are a valid expression of the free will of the electorate in those parts of Korea which were accessible to the Commission and in which the inhabitants constitute approximately two-thirds of the people of all Korea" (Annex H).

Adoption of the South Korean Constitution, July 1948

10. On 31st May the National Assembly met, with Dr. Syngman Rhee as chairman, and a fortnight later a resolution was passed inviting North Korea to elect delegates. No reply was received to the invitation. The Assembly then

turned to the preparation of a Constitution, which was adopted on 12th July as the Constitution of the Democratic Republic of Korea, Dr. Syngman Rhee being elected President. With the establishment of the new Republic the United States military Government came to an end on 15th August and a Civil Affairs Section was set up to transfer authority.

The Political Situation in North Korea (1948)

Adoption of the North Korean Constitution, September 1948

11. Meanwhile, in the north elections were held for a "Supreme People's Assembly," which met on 2nd September. The Assembly claimed to represent the interests of "the working people of all Korea" and 560 of the 572 deputies were stated to be representatives of the South (*Soviet News* of 14th September, 1948, quoting *Pravda*). An account of the way in which these "elections" were conducted was given by Mr. Gordon-Walker, then Parliamentary Under-Secretary of State for Commonwealth Relations, in a speech to the United Nations General Assembly on 7th December, 1948, when he said that "the United Kingdom delegation possessed alleged ballot papers from Communist partisans in South Korea which had been sent to North Korea to be counted. Among those ballot papers there were a number of palpable and impudent forgeries. There were, in fact, a whole series of names of alleged electors all in the same handwriting and with finger prints which it was absolutely impossible to identify. In addition, the names of prominent anti-Communists were included, and in particular that of the present Prime Minister of the Republic of Korea." Nevertheless, a Constitution was adopted on 9th September by the Assembly for the "Korean People's Democratic Republic." Later in the month it was announced that all Soviet troops would be withdrawn before the end of the year and, according to Soviet reports, withdrawal was completed by 25th December.

The United Nations Commission (December 1948-January 1950) and the withdrawal of United States Troops (June 1949)

12. With the end of military government in the South, the question of the withdrawal of the occupation troops came under consideration in the United Nations Assembly. Although it was generally agreed that these forces had now fulfilled their main purpose and should therefore be withdrawn as soon as practicable, many observers had serious misgivings about the prospects of a withdrawal of military safeguards before the new State could assume its full responsibilities. Thus, on 29th October the Temporary Commission called attention to the dangers of withdrawal before procedures for peaceful negotiations between North and South had been agreed upon, and in November Dr. Syngman Rhee reiterated earlier requests for an assurance that United States troops would remain in Korea or be replaced by a United States military mission.

Recognition of the Korean Republic, January 1949

13. However, when the United Nations Assembly met in December it became clear that majority opinion would favour an early withdrawal and on 12th December a resolution was passed setting up a new United Nations Commission to superintend and hasten the process (Annex I). The Commission was to be regarded as having superseded the Temporary Commission and to be composed of the same Member States (see paragraph 8). The resolution also recommended the recognition of the (Southern) Republic of Korea by members of the United Nations. Recognition was accorded

by the United States on 1st January, 1949, and by the United Kingdom on 18th January, and the withdrawal of American troops was completed by 30th June, a small military mission of some 500 officers and men remaining to assist in the building up of Korean defence forces.

14. The Commission was renewed for a further term by a United Nations Resolution of 21st October, 1949, Syria now being replaced by Turkey. The main task of the Commission remained the promotion of Korean unity, but a new emphasis was given to the work of observing and reporting by authorising the appointment of observers with a specific duty to "observe and report any developments which might lead to or otherwise involve military conflict in Korea." The Commission was also required to "verify the withdrawal of Soviet occupation forces in so far as it is in a position to do so."

The Security Situation in the Republic of (South) Korea 1948-50

15. Reference has already been made to the misgivings felt by many observers about the effects of the withdrawal of United States troops. These fears were due in part to reports of the growing armed strength of the North and in part to the lawless conditions prevailing in the South even during the United States occupation; in October 1948, for instance, a serious disturbance occurred at Yosu, a port on the South coast. The United Nations Commission was not in a position to confirm reports of military preparations in the North, but the state of disorder in the South was observed and reported by United States and United Nations officials. In addition to several armed risings at various points far removed from the frontier area, a series of clashes took place along the border, some of which the United Nations Commission was invited to observe. After the withdrawal of United States troops in June 1949, the number of these frontier incidents increased. On 4th August, 1949, Northern troops launched an invasion of the Ongjin Peninsula, which lies just south of the western end of the border. The attack was beaten off but renewed, again without success, on 14th October. Throughout 1949 guerrilla bands were repeatedly sent across the unguarded sectors of the frontier and infiltrated along the mountains into the interior of South Korea. According to a statement of President Syngman Rhee, during the year a thousand South Korean soldiers and policemen were killed and 2,000 wounded. This he called "the measure of the cold war in Korea." But the most ambitious of these operations seems to have occurred in the spring of 1950 when a column of about 600 men advanced through the mountains in the direction of Yongdok. The column was eventually brought to bay by South Korean troops in a series of actions which were witnessed by United Nations observers, and it appears that few of the invaders survived. But, however unsuccessful these manoeuvres may have been, they undoubtedly drew Southern troops away from the frontier and thus contributed to the state of unpreparedness which was noted by United Nations observers in their tour of the frontier area from 9th to 24th June (Report to the Security Council, dated 24th June, at Annex J). A brief summary of the operations of these two years was given in another Report of the United Nations Commission, dated 26th June, 1950, on the "Background events preceding the outbreak of hostilities." (Annex K.)

The Elections in South Korea, May 1950, and the Reactions in North Korea

16. Despite the gravity of the internal situation, elections for a new National Assembly went forward in May under the supervision of the United Nations Commission. In the new Assembly 130 seats were won by Independents, 49 by parties supporting Dr. Syngman Rhee, and 44 by other parties.

17. In the North, the Southern elections and the part played by the United Nations Commission were loudly condemned and the campaign for a unified assembly was revived. On 20th June the "Supreme People's Assembly" passed a decree which demanded the establishment of an all-Korean legislative body to draw up a constitution and organise a Government of the Republic. The decree designated the leading figures of the South Korean Government national traitors, called for the unification of military and security forces, and demanded the withdrawal of the United Nations Commission. This was the prelude to the invasion of South Korea on 25th June.

PART II.—SUMMARY OF EVENTS RELATING TO KOREA FROM 25TH JUNE TO 9TH OCTOBER, 1950

Security Council Resolution of 25th June

18. On the morning of 25th June the Secretary-General of the United Nations was informed by the United Nations Commission of the invasion of South Korea. The Security Council met on the same day to consider a Resolution submitted by the United States representative which declared that the attack on the Republic of Korea constituted a breach of the peace and called for the immediate cessation of hostilities. The Resolution further called upon the North Korean authorities to withdraw to the 38th parallel and upon all members of the United Nations to "render every assistance . . . in the execution of this resolution and to refrain from giving assistance to the North Korean authorities." When put to the vote this Resolution, in slightly amended form, was passed by nine votes to none, Yugoslavia abstaining and the Soviet delegate being absent (Annex L).

Security Council Resolution of 27th June

19. A second United States Resolution was put before the Security Council on 27th June (Annex M), noting that the North Koreans had not withdrawn and that "urgent military measures are required." This Resolution recommended "that the members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and restore international peace and security in the area." It was passed by seven votes to one (Yugoslavia), India and Egypt abstaining as instructions had not been received from their Governments. The Soviet representative was not present. India later announced that she would have voted for the Resolution had instructions been received at the time, and Egypt confirmed her abstention.

On the same day, President Truman announced that he had "ordered United States air and sea forces to give the Korean Government cover and support." The United States Department of State also announced on 27th June that the Soviet Government had been requested to "use its influence with the North Korean authorities for the withdrawal of the invading forces."

Security Council Resolution of 7th July

20. A third Resolution was submitted by the United Kingdom and France on 7th July (Annex N), recommending that the United Nations forces be placed under United States command and be authorised to fly the United Nations flag. This was adopted by seven votes to none, Yugoslavia, India and Egypt abstaining. The Soviet representative was still absent.

Conversations between Sir David Kelly and M. Gromyko in Moscow, July 1950

21. When the invasion of Korea was discussed in the Security Council on 25th June and subsequently the Soviet representative was not present. It seemed, however, to His Majesty's Government that a settlement of the Korean conflict might be possible if the Soviet Government were to use its influence with the North Korean authorities to secure, as a first step, the withdrawal of the North Korean forces to the 38th parallel and the restoration of the *status quo* before the invasion. His Majesty's Government therefore decided to instruct His Majesty's Ambassador at Moscow, Sir David Kelly, to call upon the Soviet Deputy Foreign Minister, M. Gromyko, and to make a communication to him in this sense. A first meeting was held on 29th June with M. Pavlov, in the absence of M. Gromyko, and subsequent conversations with M. Gromyko were held on 6th, 11th and 17th July.

22. The Tass agency in Moscow published on 20th July what purported to be an account of the conversations. This version (which is given at Annex O) made no mention of the British Government's initial request that the Soviet Government should use its good offices with the North Korean authorities to urge a withdrawal; it might therefore have given a false impression of the actual course of the conversations. To correct any such impression a statement was made on the same day (20th July) by the Prime Minister in the House of Commons. The text of this statement, which describes the course of the conversations, is given at Annex P.

Military Operations in South Korea, June-July 1950

23. A detailed description of the military operations in Korea is not appropriate here. The course of the campaign was fully reported by press and wireless commentators, whose accounts were not subject to censorship.

The Arrival of United States Troops, 4th July

24. It was clearly important from the outset that the Security Council's recommendation that Member States should go to the assistance of the Republic of Korea should be acted upon with as little delay as possible. On 28th June, therefore, the Prime Minister announced that British naval forces would be placed at the disposal of the United States authorities to operate on behalf of the Security Council. Two days later President Truman authorised the use of American ground units and the bombing of specific targets in North Korea. United States troops in Japan were at once made ready for service in Korea and the first battalion was in action near Suwon by 4th July. General MacArthur, at this time commanding the United States forces in the Far East, was shortly afterwards appointed the United Nations Commander-in-Chief as a result of the Resolution of 7th July, which requested the United States to designate the commander of the United Nations forces.

25. The South Korean capital, Seoul, had fallen after perfunctory resistance on 30th June and the situation in the South grew increasingly serious every day. It was not until the middle of July that the first considerable American reinforcements arrived; and by this time the fall of Taejon, 90 miles south of Seoul and almost half-way to the south coast, had become imminent, though it was not formally announced until 23rd July.

Preparation of United Kingdom Troops

26. On 25th July the Turkish Government became the first to offer land forces to join United States troops in Korea by announcing that Turkey would

contribute a contingent of 4,500 men. On the following day the Minister of Defence announced in the House of Commons that a self-contained British land force would be prepared and despatched from the United Kingdom as soon as possible. Announcements were also made by the New Zealand and Australian Governments, the former offering a special combat team for service in Korea and the latter undertaking to provide ground forces which would be recruited by voluntary enlistment.

27. But by the end of July a critical stage in the campaign had been reached. The fall of Chinju, 80 miles south-east of Taejon and 10 miles from the south coast, was reported on the 31st. The North Koreans had thus advanced 80 miles in eight days and the whole United Nations position on the peninsula was seriously threatened.

Military Operations in South Korea, August-September 1950

Withdrawal to the Naktong River

28. By 3rd August almost all the territory west of the Naktong River had been abandoned. The fall of Chinju, however, coincided with the arrival of an American division which reached Korea after travelling direct from the United States in ten days. Further reinforcements arrived on 1st August. Nevertheless the United Nations land force was still heavily outnumbered and throughout August it was subjected to incessant attacks launched by the North Koreans across the Naktong River and against Pohang in the North. These assaults were beaten back, but the position in the bridgehead remained serious. During this critical phase offers of help were sent by South Africa (one fighter squadron and ground staff) and Canada (a force of one brigade, to be recruited specially for United Nations service).

Despatch of United Kingdom Troops from Hong Kong, 20th August

29. In the light of this situation His Majesty's Government announced on 20th August that, "In response to the request by the Commander-in-Chief of the United Nations forces in Korea for the despatch of reinforcements without delay, the United Kingdom Government has decided to send an infantry force from Hong Kong to Korea immediately." This force comprised two battalions—the 1st Middlesex and the 1st Argyll and Sutherland Highlanders—with supporting services. It arrived at Pusan after a journey of some 1,300 miles on 29th August, nine days after the decision to send it had been announced. This force thus became the first ground contingent to join United States troops in Korea.

30. On 22nd August the French Government announced that they had decided to send a battalion of war-trained troops to Korea. It was estimated that it would be four to six weeks before this unit reached the front. This French announcement was followed by a statement by the Netherlands Government, on 23rd August, to the effect that 2,000 Dutch infantrymen would join the United Nations force in Korea within a few weeks.

31. The arrival in Korea of the United Kingdom force from Hong Kong coincided with the launching of the North Korean's last and heaviest offensive. On 1st September it was reported that the Naktong River had been crossed at seventeen places. On 5th September, when the last party of a Royal Marine Commando destined for Korea left the United Kingdom, Pohang fell and the fate of Taegu was in the balance.

United Nations Landings at Inchon, 15th September

32. Into this last offensive the North Koreans threw their reserves of men and material. During the second week in September it became clear that they would not achieve their object. On the 12th Lt.-Gen. Walker, commanding the United Nations ground forces in Korea, declared that "the worst is over." Thereafter the situation changed rapidly. On 15th September a strong United Nations counter-attack was launched near Taegu, and American troops, covered by American and British warships, landed at Inchon, 20 miles from Seoul, and at three other points close by. By the 20th American Marines were in the outskirts of Seoul.

33. The North Korean troops in the south-east, apparently unaware of these landings, continued to fight on until their resistance collapsed between 22nd and 25th September. From that moment only isolated groups of North Korean troops south of the 38th parallel continued to offer organised resistance. On the 26th the fall of Seoul and the link-up of the United Nations forces was announced. Taejon fell two days later, its capture coinciding with the arrival of Australian troops at Pusan. Although areas in the South still remained to be cleared of enemy forces, for all practical purposes the whole peninsula south of the 38th parallel was now in United Nations hands and on the 29th September a halt was ordered for regrouping.

The End of Military Operations in South Korea, 1st to 9th October, 1950, and the United Nations Resolution of 7th October, 1950

34. On 1st October the Commander-in-Chief of the United Nations forces broadcast a demand for surrender to the North Korean Commander, stating that early and total defeat of his forces was now inevitable. (The text of this demand is given at Annex Q.) During the day some two-and-a-half million leaflets containing the Commander-in-Chief's message were dropped over North Korea. Simultaneously South Korean troops were moved across the 38th parallel near the east coast and began an advance towards the port of Wonsan, 100 miles to the North.

35. The first objective of the United Nations armies—"to repel the armed attack"—had now been achieved. But so long as the Northern armies remained in being and defied the United Nations ultimatum, the second object expressed in the Resolution of 27th June, "to restore international peace and security in the area," was still unfulfilled. Moreover the ultimate object of the United Nations since 1947 had been to work for the unity of Korea; the Korean problem had therefore to be treated as a whole. Every day that passed without effective military action allowed the North Koreans more time to prepare a renewal of their attack and thus made the achievement of peace and security more difficult. On the other hand the regaining of the 38th parallel undoubtedly seemed to some observers to put a term to one phase of the operations, and it was generally regarded as important not to embark on any action which might lead eventually to the spread of hostilities outside Korea.

36. This problem seemed to be essentially one for the United Nations to resolve, since that organisation was ultimately responsible for the resistance to aggression in Korea and was also a forum where all points of view could be expressed. A choice was eventually presented between two sets of proposals:—the eight-Power proposals, originally drafted by His Majesty's Government, which were submitted to the Political Committee of the General Assembly on 29th September, and the Russian counter-proposals submitted on 2nd October.

The Eight-Power Proposals

37. The text of the eight-Power Resolution sponsored by the United Kingdom, Australia, Brazil, Cuba, the Netherlands, Norway, Pakistan and the Philippines, is given, in the form in which it was finally adopted, at Annex R. The United Nations aim in Korea is declared therein to be "the establishment of a unified, independent and democratic Government in the sovereign State of Korea," and the main recommendations are the establishment of a new seven-Power United Nations Commission for the Unification and Rehabilitation of Korea, the preparation by the United Nations Economic and Social Council of plans for relief and recovery, the holding of elections under United Nations auspices, and the withdrawal of United Nations troops as soon as these aims have been achieved.

The Soviet Proposals

38. The Soviet counter-proposals put forward on 2nd October, while professing the same ultimate aim, urged that it should be achieved by an immediate cease-fire and the withdrawal of all foreign troops from Korea, in deference to the sovereign right of the Korean people to settle their own affairs. His Majesty's Government feared that these proposals would have the effect of allowing the North Korean army to recover and ultimately to regain the initiative.

Adoption of the Eight-Power Proposals, 7th October

39. Both drafts came before the Political Committee of the General Assembly on 4th October. The eight-Power proposals were adopted by 47 votes to 5, with 7 abstentions; the Soviet proposals were rejected by 46 votes to 5, with 8 abstentions. The eight-Power proposals therefore went forward for consideration at a plenary session of the General Assembly, and were approved after slight amendment on 7th October, 47 members voting in favour with 5 against and 7 abstaining. The Soviet draft was rejected in a series of roll-call votes by similar majorities. (His Majesty's Government, as co-sponsor of the eight-Power proposals, voted with the majority in each case.)

40. After the adoption of the eight-Power proposals, the authority of the United Nations forces to restore the situation in Korea as a whole was clear. Since no reply had been received in the meantime to the Commander-in-Chief's first demand for surrender a second appeal was sent out, calling for immediate submission and co-operation with the United Nations authorities, and on 9th October the United Nations forces began their advance across the 38th parallel.

Foreign Office, 31st October, 1950.

APPENDIX

THE LEGAL ASPECT OF THE UNITED NATIONS INTERVENTION IN KOREA

The validity of the Security Council Resolutions of 25th June, 27th June and 7th July has been called in question on the ground that the Security Council was not properly constituted and its resolutions did not comply with the provisions of Article 27(3) of the Charter, which reads:—

“Decisions of the Security Council on all other [that is, non-procedural] matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.”

Two reasons have been given for this contention, namely:—

- (1) That the Soviet representative (the representative of a permanent member) was not present at the time that the Resolutions in question were passed by the Security Council.
- (2) That the Chinese Nationalist representative (Dr. Tsiang) is not the lawful representative of China, another permanent member, and cannot vote in her name.

M. Gromyko, in a note of 29th June replying to a note from the United States Government, said that “in spite of its full willingness, the Soviet Government has not been able to take part in the meetings of the Security Council since, because of the position taken by the Government of the United States, China, a permanent member of the Security Council, has not been admitted to the Council, which has made it impossible for the Security Council to take decisions having legal force.”

2. A full reply to these arguments was given by the Prime Minister in the House of Commons Debate of 5th July (Hansard, Volume 477, No. 73, Columns 487-497).

3. On the first point he spoke as follows: “I think it wise to consider for a moment the question of the validity of these resolutions. Article 27 (3) of the Charter says that—

‘decisions of the Security Council on all other matters (except procedural matters) shall be made by the affirmative vote of seven members, including the concurring vote of permanent members.’

The resolution of 27th June was passed by seven votes, which did not include a concurring vote of the U.S.S.R., which was absent from the proceedings. A custom or practice has grown up in the United Nations that if a permanent member present at a meeting chooses to abstain from voting, the resolution of the Security Council shall be regarded as legally effective and not invalidated by the fact that that permanent member has not passed an affirmative vote in favour of it.

“This practice has had the support of the U.S.S.R. itself. But other members have on occasions abstained, such as, for instance, the United Kingdom in connexion with the admission of Israel, and France and China in connexion with Indonesia. If a member of the Security Council, and in particular a permanent member, chooses to refrain from exercising its right of voting, not by failing to vote when present, but by refraining from attending

the meeting at all, that member must be regarded as having deliberately abstained from voting.

"In fact, the absence of a permanent member has already twice in the past been accepted as not invalidating a resolution. The first occasion was in connexion with the discussion in 1946 on the Soviet-Persian dispute, when at a late stage in the consideration of the question the U.S.S.R. absented itself. The second occasion took place more recently in connexion with the Kashmir dispute.

"I think there is, if anything, a stronger reason for regarding the deliberate absence of a permanent member as not invalidating the vote but as being a deliberate abstention, because Article 28 of the Charter prescribes that—

"The Security Council shall be so organised as to be able to function continuously. Each member of the Security Council shall, for this purpose, be represented at all times at the seat of the Organisation."

"That provision, I think, makes it abundantly clear that it was never intended that the activities of the Security Council should be impeded by the absence of a member, and justifies the conclusion that the Charter does not permit a permanent member, by deliberate absence, to impose a blanket veto on all Security Council proceedings. I conclude, therefore, that the absence of the Russian representative did not invalidate these resolutions."

4. The Prime Minister then went on to deal with the second point. He said: "It is suggested that the State of China, which is a permanent member of the Security Council, is not validly represented. Under the rules of procedure of the Security Council, the right of an individual to take part in the proceedings of the Council as the representative of the member whom he claims to represent is a matter of credentials, and has to be decided by the examination of credentials, which is clearly a matter of procedure, and by the practice of the Security Council has been treated as such. That is to say, that the validity of a representative's credentials is, under Article 27 of the Charter, a question of procedure to be decided by a simple majority vote of seven members.

"The question of the validity of a representative's credentials may turn on whether they have actually been issued by the authority which purports to issue them, or whether that authority has the power to issue credentials to a representative of the State in question. It therefore includes, when the credentials have been issued by the head or the Foreign Minister of a government which claims to be the government of the State, the question whether that government is in fact to be regarded as the government of that State.

"When Dr. Tsiang was originally appointed as the representative of China, there was no dispute as to the validity of his credentials. But since a number of Governments, including the U.S.S.R. and the United Kingdom, have recognised the Central People's Government as the *de jure* Government of China, Dr. Tsiang's right to continue to represent China has been challenged and been subjected to a vote, and up to the present time Dr. Tsiang's right to continue to represent China—and, of course, the right of the Chinese Nationalist Government to appoint representatives of China—has been approved by a majority of the members of the Security Council.

"Therefore, according to the rules and practice of the Security Council, Dr. Tsiang is at present entitled to occupy the Chinese seat and cast the Chinese vote. Consequently, the U.S.S.R. has no right to impose its own view on the question of Chinese representation on other members of the Security Council. His Majesty's Government, who also think that the People's Government is

the Government of China and should appoint the Chinese representatives, properly recognise that they must accept the decision of the majority. Therefore, under the rules of the Security Council, there is no justification for maintaining that the Security Council is not properly constituted. I think one must mention these matters, complex as they are, because these charges have been made."

5. A further statement dealing with the first argument (referred to in paragraph 3) was made by the Attorney-General, Sir Hartley Shawcross, in a speech in his constituency on 8th July, 1950. In the course of this speech the Attorney-General said: "In August 1947, on the Indonesian affair, the United Kingdom delegate, whilst not able to vote affirmatively in favour of the resolution, expressly drew attention to the fact that he was abstaining from voting at all and the President of the Security Council then said: 'We think it is now the jurisprudence of the Security Council and the interpretation accepted for a long time that an abstention is not considered a veto and the concurring votes of the permanent members means the votes of the permanent members who participate in the voting. Those who abstain intentionally are not considered to have caused a veto. That is clear.' That ruling was made in the presence of the Soviet Union. . . . Moreover, this may be added. Under Article 28, each State is required to be represented at all times at the seat of the Security Council. The law does not allow its own provisions to be perverted so as to stultify its own operation. It is unthinkable that by violating their duty to be present, the Soviet Union or any other Great Power could hold up by a kind of general anticipatory veto the whole work of the United Nations."

6. It has also been claimed, notably by the Soviet Government and the North Korean authorities, that the hostilities in Korea constitute civil war and as such are domestic matters with which the United Nations should not interfere. (Article 2 (7) of the Charter.) In the view of His Majesty's Government this is a misrepresentation of the true state of affairs.

7. On the one hand the Government of South Korea has been recognised by the United Nations in the General Assembly Resolution of 12th December, 1948, as "a lawful government . . . having effective control and jurisdiction over that part of Korea where the temporary commission was able to observe and consult," that is, in the area south of the 38th parallel.

8. The North Korean Government, on the other hand, is a body, set up by procedures of doubtful legality, which has defied the authority of the United Nations, and has forbidden their officers to enter the territory under its control. It must, however, be considered to be the *de facto* Government of a *de facto* State, exercising control over the area of Korea north of the 38th parallel.

9. A civil war takes place when there has been one Government over the whole of one State and as a result of internal conflict two Governments competing for the control of this State engage in hostilities with each other. In the case under review the South Korean Government has never had jurisdiction over North Korea or the North Korean Government any jurisdiction over South Korea. There has been no split in an entity which had been duly constituted as a single independent state, because owing to circumstances beyond the control of the United Nations and against its wishes, it has never been possible to constitute Korea as a single State with one Government.

ANNEX A

EXTRACT FROM THE CAIRO DECLARATION OF DECEMBER 1943

"The three great allies are fighting this war to restrain and punish the aggression of Japan. They covet no gain for themselves and have no thought of territorial expansion.

It is their purpose that Japan shall be stripped of all the islands in the Pacific which she has seized or occupied since the beginning of the first world war in 1914, and that all the territories that Japan has stolen from the Chinese, such as Manchuria, Formosa, and the Pescadores, shall be restored to the Republic of China.

Japan will also be expelled from all other territories which she has taken by violence and greed.

The aforesaid three Great Powers, mindful of the enslavement of the people of Korea, are determined that in due course Korea shall become free and independent.

With these objectives in view the three allies in harmony with those of the United Nations at war with Japan, will continue to persevere in the serious and prolonged operations necessary to procure the unconditional surrender of Japan."

ANNEX B

EXTRACT FROM THE POTSDAM DECLARATION OF JULY 1945

"(4) The time has come for Japan to decide whether she will continue to be controlled by those self-willed militaristic advisers whose unintelligent calculations have brought the Empire of Japan to the threshold of annihilation, or whether she will follow the path of reason.

(5) Following are our terms. We will not deviate from them. There are no alternatives. We shall brook no delay.

(6) There must be eliminated for all time the authority and influence of those who have deceived and misled the people of Japan into embarking on world conquest, for we insist that a new order of peace, security and justice will be impossible until irresponsible militarism is driven from the world.

(7) Until such a new order is established and until there is convincing proof that Japan's war-making power is destroyed, points in Japanese territory to be designated by the Allies shall be occupied to secure the achievement of the basic objectives we are here setting forth.

(8) The terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as we determine."

ANNEX C

EXTRACT FROM THE MOSCOW AGREEMENT OF DECEMBER 1945

"(1) With a view to the re-establishment of Korea as an independent State, the creation of conditions for developing the country on democratic principles and the earliest possible liquidation of the disastrous results of the protracted Japanese domination in Korea, there shall be set up a provisional Korean democratic government which shall take all the necessary steps for developing the

industry, transport and agriculture of Korea and the national culture of the Korean people.

(2) In order to assist the formation of a provisional Korean government and with a view to the preliminary elaboration of the appropriate measures, there shall be established a joint commission consisting of representatives of the United States command in Southern Korea and the Soviet command in Northern Korea. In preparing their proposals, the commission shall consult with the Korean democratic parties and social organisations. The recommendations worked out by the commission shall be presented for the consideration of the Governments of the Union of Soviet Socialist Republics, China, the United Kingdom and the United States prior to final decision by the two Governments represented on the joint commission.

(3) It shall be the task of the joint commission, with the participation of the provisional Korean democratic government and of the Korean democratic organisations, to work out measures also for helping and assisting (trusteeship) the political, economic and social progress of the Korean people, the development of democratic self-government and the establishment of the national independence of Korea.

The proposals of the joint commission shall be submitted, following consultation with the provisional Korean government, for the joint consideration of the Governments of the United States, the Union of Soviet Socialist Republics, the United Kingdom and China for the working out of an agreement concerning a four-Powers trusteeship of Korea for a period of up to five years.

(4) For the consideration of urgent problems affecting both Southern and Northern Korea and for the elaboration of measures establishing permanent co-ordination in administrative-economic matters between the United States command in Southern Korea and the Soviet command in Northern Korea, a conference of the representatives of the United States and Soviet commands in Korea shall be convened within a period of two weeks."

ANNEX D

EXTRACT FROM A LETTER FROM THE UNITED STATES ACTING SECRETARY OF STATE, MR. LOVETT, TO THE SOVIET FOREIGN MINISTER, M. MOLOTOV (GIVING UNITED STATES PROPOSALS FOR THE FUTURE OF KOREA) DATED 26TH AUGUST, 1947

"The present stalemate in the Joint Commission negotiations and the failure of that Commission to accomplish even the first task of its mission have made it abundantly clear to all that bilateral negotiations on the subject of consultation with Korean political parties and organisations will only serve to delay the implementation of this agreement and defeat its announced purpose of bringing about early independence for Korea. The United States Government cannot in good conscience be a party to any such delay in the fulfilment of its commitment to Korean independence and proposes that the four Powers adhering to the Moscow agreement meet to consider how that agreement may be speedily carried out.

The United States Government therefore submits for the consideration of your Government the enclosed outline of proposals designed to achieve the aims of the Moscow agreement on Korea. . . .

UNITED STATES PROPOSALS REGARDING KOREA

1. In both the U.S.S.R. and United States zones of Korea there shall be held early elections to choose wholly representative provisional legislatures for each zone. Voting shall be by secret, multi-party ballot on a basis of

universal suffrage, and elections shall be held in accordance with the laws adopted by the present Korean legislatures in each zone.

2. These provisional zonal legislatures shall choose representatives in numbers which reflect the proportion between the populations of the two zones, these representatives to constitute a national provisional legislature. This legislature shall meet at Seoul to establish a provisional government for a united Korea.

3. The resulting provisional government of a united Korea shall meet in Korea with representatives of the four Powers adhering to the Moscow agreement on Korea to discuss with them what aid and assistance is needed in order to place Korean independence on a firm economic and political foundation and on what terms this aid and assistance is to be given.

4. During all the above stages the United Nations shall be invited to have observers present so that the world and the Korean people may be assured of the wholly representative and completely independent character of the actions taken.

5. The Korean Provisional Government and the Powers concerned shall agree upon a date by which all occupation forces in Korea will be withdrawn.

6. The provisional legislatures in each zone shall be encouraged to draft provisional constitutions which can later be used as a basis for the adoption by the national provisional legislature of a constitution for all of Korea.

7. Until such time as a united, independent Korea is established, public and private Korean agencies in each zone shall be brought into contact with international agencies established by or under the United Nations, and the presence of Korean observers at official international conferences shall be encouraged in appropriate cases."

ANNEX E

EXTRACT FROM M. MOLOTOV'S REPLY OF 4TH SEPTEMBER, 1947

"The Soviet Government considers inexpedient your proposal to submit the question of the establishment of a provisional Korean democratic government to the consideration of the Governments of the four countries inasmuch as the Joint Commission is still far from exhausting all its possibilities for working out agreed recommendations, which is entirely possible. The 'United States proposals concerning Korea' set forth in Mr. Lovett's letter are also unacceptable.

These proposals cannot fail to entail the further division of Korea inasmuch as they envisage the establishment of separate provisional legislative assemblies in the south and in the north of Korea (in the Soviet and American zones) whereas the vital task is to achieve as rapidly as possible the establishment of a single, even though provisional, organ of authority—the General Korean Provisional Democratic Government. The American proposal does not correct the situation now existing in Korea—the division of the country into two zones, to the liquidation of which all efforts should be directed—but, on the contrary, consolidates this abnormal situation.

Having in mind that the proposal for the consideration of the question of Korea in a joint conference of the representatives of the four Powers does not stem from the Moscow decision of the three Ministers for Foreign Affairs

concerning Korea, and taking into consideration the views set forth above, the Soviet Government sees no possibility of accepting the proposals advanced in Mr. Lovett's letter."

ANNEX F

EXTRACT FROM THE UNITED NATIONS RESOLUTION OF 14th NOVEMBER, 1947 (SETTING UP THE UNITED NATIONS TEMPORARY COMMISSION)

The resolutions recommended by the First Committee were adopted without amendment by forty-three votes to none, with six abstentions. The following countries did not take part in the voting: Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia. The resolutions read as follows:—

"Inasmuch as the Korean question which is before the General Assembly is primarily a matter for the Korean people itself and concerns its freedom and independence, and

Recognising that this question cannot be correctly and fairly resolved without the participation of representatives of the indigenous population,

THE GENERAL ASSEMBLY,

1. *Resolves* that elected representatives of the Korean people be invited to take part in the consideration of the question;

2. *Further resolves* that in order to facilitate and expedite such participation and to observe that the Korean representatives are in fact duly elected by the Korean people and not mere appointees by military authorities in Korea, there be forthwith established a United Nations Temporary Commission on Korea, to be present in Korea, with right to travel, observe and consult throughout Korea."

II

THE GENERAL ASSEMBLY,

Recognising the urgent and rightful claims to independence of the people of Korea ;

Believing that the national independence of Korea should be re-established and all occupying forces then withdrawn at the earliest practicable date ;

Recalling its previous conclusion that the freedom and independence of the Korean people cannot be correctly or fairly resolved without the participation of representatives of the Korean people, and its decision to establish a United Nations Temporary Commission on Korea (hereinafter called the 'Commission') for the purpose of facilitating and expediting such participation by elected representatives of the Korean people :

1. *Decides* that the Commission shall consist of representatives of Australia, Canada, China, El Salvador, France, India, Philippines, Syria, Ukrainian Soviet Socialist Republic ;

2. *Recommends* that the elections be held not later than 31st March, 1948, on the basis of adult suffrage and by secret ballot to choose representatives with whom the Commission may consult regarding the prompt attainment of the freedom and independence of the Korean people and which representatives, constituting a National Assembly, may establish a National Government of Korea. The number of representatives from each voting area or zone should be proportionate to the population, and the elections should be under the observation of the Commission ;

3. *Further recommends* that, as soon as possible after the elections, the National Assembly should convene and form a National Government and notify the Commission of its formation ;

4. *Further recommends* that immediately upon the establishment of a National Government, that Government should, in consultation with the Commission: (a) constitute its own national security forces and dissolve all military or semi-military formations not included therein ; (b) take over the functions of government from the military commands and civilian authorities of North and South Korea, and (c) arrange with the occupying Powers for the complete withdrawal from Korea of their armed forces as early as practicable and if possible within ninety days ;

5. *Resolves* that the Commission shall facilitate and expedite the fulfilment of the foregoing programme for the attainment of the national independence of Korea and withdrawal of occupying forces, taking into account its observations and consultations in Korea. The Commission shall report with its conclusions to the General Assembly and may consult with the Interim Committee (if one be established) with respect to the application of this resolution in the light of developments ;

6. *Calls upon* the Member States concerned to afford every assistance and facility to the Commission in the fulfilment of its responsibilities ;

7. *Calls upon* all Members of the United Nations to refrain from interfering in the affairs of the Korean people during the interim period preparatory to the establishment of Korean independence, except in pursuance of the decisions of the General Assembly ; and thereafter, to refrain completely from any and all acts derogatory to the independence and sovereignty of Korea."

ANNEX G

EXTRACT FROM THE LETTER FROM M. GROMYKO (STATING THE SOVIET ATTITUDE TO THE UNITED NATIONS TEMPORARY COMMISSION), DATED 23RD JANUARY, 1948

"In connexion with your letter of 18th January, 1948, transmitting the text of a letter from the acting Chairman of the Commission on Korea, in which he expresses desire to visit the Commander of Soviet troops in Northern Korea we find it necessary to remind you of the negative attitude taken by the Soviet Government towards the establishment of the United Nations Commission on Korea as already stated by the Soviet delegation during the second session of the General Assembly of the United Nations."

ANNEX H

EXTRACT FROM THE FIRST PART OF THE REPORT OF THE UNITED NATIONS
TEMPORARY COMMISSION FOR KOREA, VOLUME I (GIVING THE CON-
CLUSIONS OF THE COMMISSION ON THE VALIDITY OF THE ELECTIONS OF
10TH MAY, 1948)

The Commission, having taken into account the facts noted above, is of the opinion that:—

(a) There existed in South Korea during the period of preparation for the elections and on election day itself, a reasonable degree of free atmosphere wherein democratic rights of freedom of speech, press and assembly were recognised and respected;

(b) The United States Army Forces in Korea and the South Korean Interim Government complied with the recommendations of the Commission on electoral procedures and the conduct of the elections conformed generally to the electoral laws and regulations;

(c) The elections were regarded as a step in the re-establishment of the independence of Korea and, as such, were the only substantial issue placed before the electorate, resulting in the large percentage both of registration and balloting; the candidates who stood for election were in favour of this method of effecting the unity and independence of Korea and therefore did not place any fundamentally conflicting issues before the electorate; and opposition to the issues involved in the elections took the form of a boycott of the elections themselves;

(d) Having taken into account the reports of its observation groups, and the conclusions noted above, and bearing in mind the traditional and historical background of the people of Korea, the results of the ballot of 10th May, 1948, are a valid expression of the free will of the electorate in those parts of Korea which were accessible to the Commission and in which the inhabitants constitute approximately two-thirds of the people of all Korea.

ANNEX I

EXTRACT FROM THE UNITED NATIONS RESOLUTION OF 12th DECEMBER, 1948
(SETTING UP THE NEW UNITED NATIONS COMMISSION IN KOREA)

THE GENERAL ASSEMBLY,

Having regard to its resolution 112 of 14th November, 1947, concerning the problem of the independence of Korea,

Having considered the report of the United Nations Temporary Commission on Korea (hereinafter referred to as the "Temporary Commission"), and the report of the Interim Committee of the General Assembly regarding its consultation with the Temporary Commission,

Mindful of the fact that, due to difficulties referred to in the report of the Temporary Commission, the objectives set forth in the Resolution of 14th November, 1947, have not been fully accomplished, and in particular that unification of Korea has not yet been achieved,

1. *Approves* the conclusions of the reports of the Temporary Commission;

2. *Declares* that there has been established a lawful government (the Government of the Republic of Korea) having effective control and jurisdiction

over that part of Korea where the Temporary Commission was able to observe and consult and in which the great majority of the people of all Korea reside; that this Government is based on elections which were a valid expression of the free will of the electorate of that part of Korea and which were observed by the Temporary Commission; and that this is the only such Government in Korea ;

3. *Recommends* that the occupying Powers withdraw their occupation forces from Korea as early as practicable ;

4. *Resolves* that, as a means to the full accomplishment of the objectives set forth in the resolution of 14th November, 1947, a Commission on Korea, consisting of the same Member States which composed the United Nations Temporary Commission on Korea, be established to continue the work of the Temporary Commission and carry out the provisions of the present resolution, having in mind the status of the Government of the Republic of Korea as herein defined, and in particular to :

(a) Lend its good offices to bring about the unification of Korea and the integration of all Korean security forces in accordance with the principles laid down by the General Assembly in the resolution of 14th November, 1947;

(b) Seek to facilitate the removal of barriers to economic, social and other friendly intercourse caused by the division of Korea ;

(c) Be available for observation and consultation in the further development of representative government based on the freely expressed will of the people ;

(d) Observe the actual withdrawal of the occupying forces and verify the fact of withdrawal when such has occurred: and for this purpose, if it so desires, request the assistance of military experts of the two occupying Powers ;

5. *Decides* that the Commission :

(a) Shall within thirty days of the adoption of this resolution, proceed to Korea, where it shall maintain its seat ;

(b) Shall be regarded as having superseded the Temporary Commission established by the resolution of 14th November, 1947.

ANNEX J

EXTRACT FROM THE REPORT OF THE UNITED NATIONS FIELD OBSERVERS TO THE UNITED NATIONS COMMISSION DATED 24TH JUNE, 1950

“ Following report dated 24th June from United Nations Field Observers submitted to Commission on their return from field trip along 38th parallel commencing 9th June to report developments likely to involve military conflict is forwarded for information :—

‘ General situation along parallel. Principal impression left with observers after their field tour is that South Korea army is organised entirely for defence and is in no condition to carry out attack on large scale against forces of North. Impression is based upon following main observations :—

1. South Korea army in all sectors is disposed in depth. Parallel is guarded on southern side by small bodies of troops located in scattered outposts together with roving patrol. There is no concentration of troops and no massing for attack visible at any point.

2. At several points, North Korean forces are in effective possession of salients on south side parallel, occupation in at least one case being of fairly recent date. There is no evidence that South Korean forces have taken any steps for or making any preparation to eject North Korean forces from any of these salients.

3. Proportion of South Korean forces are actively engaged in rounding-up guerrilla bands that have infiltrated into the mountainous area in the eastern sectors. It was ascertained that these bands are in possession of demolition equipment and are more heavily armed than on previous occasions.

4. So far as equipment of South Korean forces concerned, in absence of armour, air support, and heavy artillery, any action with object of invasion would, by any military standards, be impossible.

5. South Korea army does not appear to be in possession of military or other supplies that would indicate preparation for large-scale attack. In particular, there is no sign of any dumping of supplies or ammunition, petrol, oil, lubricant, in forward areas. Roads generally are little used and apart from convoy four trucks taking company from Kangnung westward to join rounding-up guerrilla band, no concentration transport anywhere encountered.

6. In general, attitude South Korean commanders is one of vigilant defence. Their instructions do not go beyond retirement, in case of attack, upon previously preferred positions.

7. There is no indication of any extensive reconnaissance being carried out northward by South Korea army nor of any undue excitement or activity at Divisional Headquarters or regimental levels to suggest preparation for offensive activity. Observers were freely admitted to all sections various headquarters including operations room.'”

ANNEX K

EXTRACT FROM THE SUMMARY REPORT OF THE UNITED NATIONS COMMISSION ON KOREA, DATED 26TH JUNE, 1950

“The Commission submits following Summary Report on background events preceding 25th June outbreak of hostilities :—

1. ‘For the past two years the North Korean régime has by violently abusive propaganda, by threatening gestures along the 38th parallel and by encouraging and supporting subversive activities in the territory of the Republic of Korea pursued tactics designed to weaken and destroy the Government of the Republic of Korea established under the auspices of the United Nations Temporary Commission on Korea and recognised by the General Assembly ; during the same period the United Nations Commission on-Korea has been the target for repeated propaganda broadcasts which denied its legality, dubbed it futile, and subjected its individual members to abuse. This campaign has been relentlessly pursued during the past eight months while the economy of the young Republic remains shaky and the deliberations of the First National Assembly have been frequently stormy and critical of the Administration. There have been distinct signs of improvement in recent months in both economic and political stability of the country. In early April the Korean Army and police climaxed a winter offensive against northern-supported guerrillas operating in South Korea by smashing two guerrilla battalions totalling some

600 men soon after their crossing of the parallel. At the same time internal security and domestic morale have been strengthened by suppression of subversive elements.

2. Although the North Korean régime, by its radio, propaganda and support of subversive elements, endeavoured to prevent the holding of effective general elections on 30th May, these elections, which were observed by the Commission, were, on the whole, successfully conducted and in an atmosphere of law and order."

ANNEX L

TEXT OF THE SECURITY COUNCIL RESOLUTION OF 25TH JUNE, 1950

THE SECURITY COUNCIL,

Recalling the finding of the General Assembly in its resolution of 21st October, 1949, that the Government of the Republic of Korea is a lawfully established Government "having effective control and jurisdiction over that part of Korea where the United Nations Temporary Commission on Korea was able to observe and consult and in which the great majority of the people of Korea reside; and that this Government is based on elections which were a valid expression of the free will of the electorate of that part of Korea and which were observed by the Temporary Commission; and that this is the only such Government in Korea";

Mindful of the concern expressed by the General Assembly in its resolutions of 12th December, 1948, and 21st October, 1949, of the consequences which might follow unless Member States refrained from acts derogatory to the results sought to be achieved by the United Nations in bringing about the complete independence and unity of Korea; and the concern expressed that the situation described by the United Nations Commission on Korea in its report menaces the safety and well-being of the Republic of Korea and of the people of Korea and might lead to open military conflict there;

Noting with grave concern the armed attack upon the Republic of Korea by forces from North Korea,

Determines that this action constitutes a breach of the peace,

I.—*Calls* for the immediate cessation of hostilities; and
Calls upon the authorities of North Korea to withdraw forthwith their armed forces to the 38th parallel;

II.—*Requests* the United Nations Commission on Korea—

- (a) To communicate its fully considered recommendations on the situation with the least possible delay;
- (b) to observe the withdrawal of the North Korean forces to the 38th parallel; and
- (c) to keep the Security Council informed on the execution of this resolution;

III.—*Calls upon* all Members to render every assistance to the United Nations in the execution of this resolution and to refrain from giving assistance to the North Korean authorities.

ANNEX M

TEXT OF THE SECURITY COUNCIL RESOLUTION OF 27TH JUNE, 1950

THE SECURITY COUNCIL,

Having determined that the armed attack upon the Republic of Korea by forces from North Korea constitutes a breach of the peace,

Having called for an immediate cessation of hostilities, and

Having called upon the authorities of North Korea to withdraw forthwith their armed forces to the 38th parallel, and

Having noted from the report of the United Nations Commission for Korea that the authorities in North Korea have neither ceased hostilities nor withdrawn their armed forces to the 38th Parallel and that urgent military measures are required to restore international peace and security, and

Having noted the appeal from the Republic of Korea to the United Nations for immediate and effective steps to secure peace and security,

Recommends that the Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area.

ANNEX N

TEXT OF THE SECURITY COUNCIL RESOLUTION OF 7TH JULY, 1950

THE SECURITY COUNCIL,

Having determined that the armed attack upon the Republic of Korea by forces from North Korea constitutes a breach of the peace,

Having recommended that Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area,

1. *Welcomes* the prompt and vigorous support which governments and peoples of the United Nations have given to its resolutions of 25th and 27th June, 1950, to assist the Republic of Korea in defending itself against armed attack and thus to restore international peace and security in the area ;

2. *Notes* that Members of the United Nations have transmitted to the United Nations offers of assistance for the Republic of Korea ;

3. *Recommends* that all Members providing military forces and other assistance pursuant to the aforesaid Security Council resolutions make such forces and other assistance available to a unified command under the United States ;

4. *Requests* the United States to designate the commander of such forces ;

5. *Authorises* the unified command at its discretion to use the United Nations flag in the course of operations against North Korean forces concurrently with the flags of the various nations participating ;

6. *Requests* the United States to provide the Security Council with reports as appropriate on the course of action taken under the unified command.

ANNEX O

THE ACCOUNT OF THE CONVERSATIONS BETWEEN SIR D. KELLY AND
M. GROMYKO, PUBLISHED BY THE TASS AGENCY (20TH JULY, 1950)

"On 11th July the Ambassador of Great Britain in Moscow, Sir David Kelly, told A. A. Gromyko, Deputy Foreign Minister, in connexion with the Korean question that the British Government, being bound by the latest decision of the Security Council, could not at present put forward definite proposals on a peaceful settlement of the Korean question, and that the British Government considered that to put forward such proposals would be to go too far.

At the same time the Ambassador stated that the British Government considered it necessary that, as a preliminary proposal, hostilities in Korea should be terminated and North Korean troops withdrawn beyond the 38th parallel.

On 17th July, A. A. Gromyko told Sir David Kelly that the Soviet Government considered that the best method for a peaceful settlement of the Korean question was the convocation of the Security Council with the indispensable participation of representatives of the People's Government of China, with the representatives of the Korean people to be heard in deciding the Korean question. As for the preliminary proposal of the British Government, M. Gromyko told the Ambassador that in order to avoid going too far ahead this preliminary proposal, like all other proposals, should be turned over for the consideration of the Security Council. Sir David Kelly replied that he would communicate the contents of the Soviet Government's statement to the British Government."

ANNEX P

TEXT OF THE PRIME MINISTER'S STATEMENT IN THE HOUSE OF COMMONS ON
THE CONVERSATIONS BETWEEN SIR D. KELLY AND M. GROMYKO
(20TH JULY, 1950).

"In view of the publication this morning in Moscow of a version of the exchanges which have taken place between His Majesty's Government and the Soviet Government on the Korean issue I think it desirable to bring the facts to the notice of the House.

The Soviet Government were not represented at the meetings of the Security Council which discussed the Korean issue, and His Majesty's Government accordingly decided to establish direct contact with the Soviet Government in an effort to secure their co-operation in effecting a peaceful settlement of the Korean conflict.

Accordingly, on 29th June our Ambassador in Moscow expressed to the Soviet authorities the urgent hope of His Majesty's Government that the Soviet Government would co-operate to this end. M. Pavlov, who our Ambassador saw in the absence of M. Gromyko, promised to refer the request to M. Gromyko. On 6th July Sir David Kelly was asked to call on M. Gromyko, who asked him if His Majesty's Government adhered to the statement made to M. Pavlov. Sir David Kelly confirmed that this was indeed the attitude of His Majesty's Government. M. Gromyko then said that the Soviet Government also wished for a peaceful settlement, and enquired whether Sir David Kelly had any propositions to make. Sir David Kelly said that it was the hope of His Majesty's Government that the Soviet Government would use their influence with the North Koreans to stop bloodshed.

A United Nations Commission had been working in Korea to promote the peaceful union of the two halves, and we wished to return to the *status quo* and to stop the war. M. Gromyko said that the position of the Soviet Government was already known from published documents. The Soviet Government wished for a peaceful settlement, and he asked Sir David Kelly whether he had any specific proposals to make. Sir David Kelly replied that what he was asking was that the Soviet Government would use their influence with the North Koreans. He added that he would report at once what M. Gromyko had said, and would ask to see him again if he received a further communication for him. At a further meeting with M. Gromyko, on 11th July, Sir David Kelly said that His Majesty's Government noted the wish of the Soviet Government for a peaceful settlement, which was also the earnest wish of His Majesty's Government. Sir David Kelly said that by specific proposals M. Gromyko no doubt meant offers to be binding if accepted.

He explained that the Security Council had made recommendations which had received the overwhelming support of the United Nations, and proposals in this sense could only be made by His Majesty's Government if they carried the assent of other United Nations chiefly concerned. In view of their collective responsibility His Majesty's Government could not run so far ahead as this. Their preliminary suggestion was that the forces making for peace should join together to bring about the cessation of hostilities and the withdrawal of the North Korean forces beyond the 38th parallel, without concerning themselves for the moment with other causes of difference which had arisen in the past in connexion with the Korean question. Sir David Kelly went on to say that, irrespective of other considerations, the plain fact was that the hostilities were due to the North Koreans having crossed the 38th parallel, and the best suggestion which His Majesty's Government, as a member of the United Nations, could make was to urge the Soviet Government, likewise a member of the United Nations, to add their efforts to those of other members by using their influence with the North Koreans.

Sir David Kelly made it clear that he was not speaking for any other Government or organisation but only for His Majesty's Government in the United Kingdom, who felt deeply the dangers of the present situation, and who earnestly appealed to the Soviet Government to add their efforts to those of other members of the United Nations and to use their influence to secure a return to the methods of peaceful negotiation. Sir David Kelly said that he would be glad to pass on any suggestions which M. Gromyko had to make. M. Gromyko said that the Soviet Government would be informed.

Sir David Kelly was again requested to call on M. Gromyko on 17th July. M. Gromyko briefly summarised Sir David Kelly's communication of 11th July, and stated that, in the opinion of the Soviet Government, the best means for a peaceful settlement of the Korean question was the convening of the Security Council with the indispensable participation of the Chinese People's Government. He added that representatives of the Korean people should be heard and that the Security Council should then solve the Korean question.

Sir David Kelly stated that the general attitude of His Majesty's Government to the representation of the Chinese People's Government was known; but that this question was separate from that of the actual situation, which was that forces representing fifty-three United Nations were being attacked in South Korea. He inquired whether it was the view of the Soviet Government that this situation should be referred to the Security Council with the Chinese People's Government participating and that meanwhile hostilities should continue. M. Gromyko merely replied that it was for the Security Council to solve the broad Korean question. At their previous meetings the exchanges between Sir David Kelly and M. Gromyko had been oral. On this occasion,

however, M. Gromyko, in addition to outlining his views orally, handed to Sir David Kelly a text containing the views of the Soviet Government.

In view of the publication to-day of the Soviet version of these conversations, His Majesty's Government have decided that to avoid misunderstanding their views will be made known to the Soviet Government in writing. Sir David Kelly has, therefore, been instructed to deliver an aide-mémoire to the Soviet Government, confirming and summarising the views of His Majesty's Government. These, in short, are that the immediate issue is to stop hostilities in Korea, about which His Majesty's Government reaffirm their support for the resolutions of the Security Council; and that the restoration of peace in Korea cannot be made conditional on the settlement of other issues. Noting the expressed desire of the Soviet Government for a peaceful settlement, His Majesty's Government reiterate the hope that the Soviet Government will use their influence with the North Koreans to bring about an immediate end of hostilities and the withdrawal of the North Korean forces to the northward of the 38th parallel."

ANNEX Q

TEXT OF DEMAND TO SURRENDER ISSUED BY THE UNITED NATIONS COMMANDER-IN-CHIEF TO THE NORTH KOREAN COMMANDER, 1ST OCTOBER, 1950

"To the Commander-in-Chief, North Korean forces:

The early and total defeat and complete destruction of your armed forces and war-making potential is now inevitable. In order that the decisions of the United Nations may be carried out with a minimum of further loss of life and destruction to property, I, as the United Nations Commander-in-Chief, call upon you and the forces under your command, in whatever part of Korea situated, forthwith to lay down your arms and cease hostilities under such military supervision as I may direct, and I call upon you at once to liberate all United Nations prisoners of war and civilian internees under your control and to make adequate provision for their protection, care, maintenance, and immediate transportation to such places as I indicate.

North Korean forces, including prisoners of war in the hands of the United Nations command, will continue to be given the care dictated by civilised custom and practice and permitted to return to their homes as soon as practicable. I shall anticipate your early decision upon this opportunity to avoid the further useless shedding of blood and destruction of property."

ANNEX R

TEXT OF THE GENERAL ASSEMBLY RESOLUTION OF 7TH OCTOBER, 1950

THE GENERAL ASSEMBLY,

Having regard to its resolutions of 14th November, 1947 (122 (II)), of 12th December, 1948 (195 (III)), and of 21st October, 1949 (293 (IV)),

Having received and considered the report of the United Nations Commission on Korea,

Mindful of the fact that the objectives set forth in the resolutions referred to above have not been fully accomplished and, in particular, that the unification of Korea has not yet been achieved, and that an attempt has been made by an armed attack from North Korea to extinguish by force the Government of the Republic of Korea,

Recalling the General Assembly declaration of 12th December, 1948, that there has been established a lawful Government (the Government of the Republic of Korea) having effective control and jurisdiction over that part of Korea where the United Nations Temporary Commission on Korea was able to observe and consult and in which the great majority of the people of Korea reside; that this Government is based on elections which were a valid expression of the free will of the electorate of that part of Korea and which were observed by the Temporary Commission; and that this is the only such Government in Korea,

Having in mind that United Nations armed forces are at present operating in Korea in accordance with the recommendations of the Security Council of 27th June, 1950, subsequent to its resolution of 25th June, 1950, that members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area,

Recalling that the essential objective of the resolutions of the General Assembly referred to above was the establishment of a unified, independent and democratic Government of Korea,

1. *Recommends* that

- (a) All appropriate steps be taken to ensure conditions of stability throughout Korea;
- (b) All constituent acts be taken, including the holding of elections, under the auspices of the United Nations, for the establishment of a unified, independent and democratic Government in the sovereign State of Korea;
- (c) All sections and representative bodies of the population of Korea, South and North, be invited to co-operate with the organs of the United Nations in the restoration of peace, in the holding of elections and in the establishment of a unified Government;
- (d) United Nations forces should not remain in any part of Korea otherwise than so far as necessary for achieving the objectives specified in sub-paragraphs (a) and (b) above;
- (e) All necessary measures be taken to accomplish the economic rehabilitation of Korea;

2. *Resolves* that

- (a) A Commission consisting of Australia, Chile, Netherlands, Pakistan, Philippines, Thailand and Turkey, to be known as the United Nations Commission for the Unification and Rehabilitation of Korea, be established to—
 - (i) assume the functions hitherto exercised by the present United Nations Commission in Korea;
 - (ii) represent the United Nations in bringing about the establishment of a unified, independent and democratic Government of all Korea;

- (iii) exercise such responsibilities in connexion with relief and rehabilitation in Korea as may be determined by the General Assembly after receiving the recommendations of the Economic and Social Council. The United Nations Commission for the Unification and Rehabilitation of Korea should proceed to Korea and begin to carry out its functions as soon as possible ;
- (b) Pending the arrival in Korea of the United Nations Commission for the Unification and Rehabilitation of Korea, the Governments of the States represented on the Commission should form an interim committee composed of representatives meeting at the seat of the United Nations to consult with and advise the United Nations Unified Command in the light of the above recommendations ; the interim committee should begin to function immediately upon the approval of the present resolution by the General Assembly ;
- (c) The Commission shall render a report to the next regular session of the General Assembly and to any prior special session which might be called to consider the subject-matter of the present resolution, and shall render such interim reports as it may deem appropriate to the Secretary-General for transmission to Members ;

THE GENERAL ASSEMBLY furthermore,

Mindful of the fact that at the end of the present hostilities the task of rehabilitating the Korean economy will be of great magnitude,

3. *Requests* the Economic and Social Council, in consultation with the specialised agencies, to develop plans for relief and rehabilitation on the termination of hostilities and to report to the General Assembly within three weeks of the adoption of the present resolution by the General Assembly ;

4. *Also recommends* the Economic and Social Council to expedite the study of long-term measures to promote the economic development and social progress of Korea, and meanwhile to draw the attention of the authorities which decide requests for technical assistance to the urgent and special necessity of affording such assistance to Korea ;

5. *Expresses* its appreciation of the services rendered by the members of the United Nations Commission on Korea in the performance of their important and difficult task ;

6. *Requests* the Secretary-General to provide the Commission with adequate staff and facilities, including technical advisers as required ; and authorises the Secretary-General to pay the expenses and *per diem* of a representative and alternate from each of the States members of the Commission.

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